

July 2, 2020

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Barr:

I write to you regarding the Southern District of New York's investigation into the hacking of various environmental groups and others active in efforts to hold oil and gas companies accountable for having lied about climate science and obstructed government action to limit the carbon pollution-causing climate change.

The existence of this investigation was reported earlier this month by *The New York Times*¹ and *Reuters*.² Subsequent to the publication of these stories, my staff interviewed individuals with first-hand knowledge of the matters under investigation. Based on those conversations, I have concerns that the Southern District's investigation into this matter will fall victim to political pressure from Washington.

Suggestions of political interference into ongoing criminal investigations and prosecutions are rife at this point. The recent termination of the Acting United States Attorney for the Southern District of New York heightens those concerns for matters in that office. Add to that the interest of the oil and gas industry in avoiding an inquiry into the events documented in these stories, and its influence in the Trump administration, and any reasonable observer would have reason to be concerned.

I have documented elsewhere the influence of the oil and gas industry throughout the Trump administration.³ I strongly suspect that this industry's influence extends to decisions made by Department of Justice — particularly the Department's antitrust investigation into four automakers that entered into agreements with the State of California regarding greenhouse gas

¹ Nicole Hong, Barry Meier, and Ronen Bergman, "Environmentalists Targeted Exxon Mobil. Then Hackers Targeted Them.," *The New York Times* (June 9, 2020), <https://www.nytimes.com/2020/06/09/nyregion/exxon-mobil-hackers-greenpeace.html?action=click&module=News&pgtype=Homepage>.

² Jack Stubbs, Raphael Satter, Christopher Bing, "Exclusive: Obscure Indian cyber firm spied on politicians, investors worldwide," *Reuters* (June 9, 2020), <https://www.reuters.com/article/us-india-cyber-mercenaries-exclusive-idUSKBN23G1GQ>.

³ See, e.g., Comment by Sheldon Whitehouse, *et al.*, available at <https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-5483>.

emissions standards for cars and light trucks, and the Department's decision to sue California over its cap-and-trade agreement with Quebec to reduce greenhouse gases. The investigation was later withdrawn, and the lawsuit quickly dismissed as without merit.⁴

In the instant investigation, it would appear that one or more oil and gas companies and fossil fuel trade associations paid for the "opposition research" that ultimately included the illegal hacking of organizations and individuals. Given the records of the Trump administration and the Department with the oil and gas industry, the risk is obvious that the investigation will be slow-walked or curtailed to protect the President's donors and allies in that industry.

I hope you can assure that political interference, counter to the Department's mission to "ensure fair and impartial administration of justice for all Americans," will not be applied to this investigation. To that end, I am requesting that you provide me with a log of all contacts between Main Justice and the Southern District regarding this case and that you provide me with an updated contact log every three months going forward. I am also requesting that you preserve all communications between Main Justice and the Southern District relating to this case.

A robust civil society is one of the foundations of our democracy, and any effort to illegally hack, spy upon, or harass civil society organizations deserves to be thoroughly investigated. There are so many red flags flying around this matter now that I felt it necessary to contact you directly.

Sincerely,



Sheldon Whitehouse
United States Senator

Cc: Ms. Audrey Strauss, Acting United States Attorney, Southern District of New York
The Honorable Michael E. Horowitz, Inspector General of the Department of Justice

⁴ Bob Egelko, "Federal judge rules California-Quebec cap-and-trade agreement is valid," *The San Francisco Chronicle* (March 12, 2020), <https://www.sfchronicle.com/news/article/Federal-judge-rules-California-Quebec-15127202.php>.